

Michael Cowen:

This is Michael Cowen, and welcome to Trial Lawyer Nation.

Audio:

You are the leader in the courtroom, and you want the jury to be looking to you for the answers. When you figure out your theory, never deviate. You want the facts to be consistent, complete, and credible. The defense has no problem running out the clock. Delay is the friend of the defense. It's tough to grow a firm by trying to hold on and micromanage. You've got to front load a simple structure for jurors to be able to hold onto. What types of creative things can we do as lawyers even though we don't have a trial setting? Whatever you've got to do to make it real, you've got to do to make it real, but the person who needs convincing is you.

Voiceover:

Welcome to the award-winning podcast, Trial Lawyer Nation, your source to win bigger verdicts, get more cases and manage your law firm. And now, here's your host, noteworthy author, sought after speaker, and renowned trial lawyer, Michael Cowen.

Michael Cowen:

Today on Trial Lawyer Nation, we have Jessica Mogill. Jessica is the head of coaching strategy at Crisp and has been someone who has been very inspirational and very helpful to building my law firm and my practice, and I wanted to have her on here. We're going to talk about building a world-class firm culture. Before I do that though, I want to give a quick shout out to LawPods. LawPods is nice enough to produce and sponsor this podcast for us. They make it so easy.

They do all the recording, editing, making the little ads you sometimes see on social media for the podcast. They're super easy to work with. If you want to do a podcast for your own practice, I highly recommend LawPods. Now that we've paid the bills, let me ask, Jessica, how are you doing today?

Jessica Mogill:

I am doing fantastic. I'm so excited to be on here. Thank you for having me.

Michael Cowen:

Well, thank you for coming on, and we're going to talk about building a world-class firm culture. The team you build is the company you build. Crisp has quite a following out there, so quite a few people might know you. I'm actually going to start with a little story, if you don't mind, about why I absolutely asked you to be on here. I knew who Michael was. I knew who Crisp was. I didn't know who you were. I have a different business model, so we're B2B. I market other lawyers, not to the general public. I never really thought that working with Crisp would work for me.

I remember reaching out saying, "Look, I don't want your regular product. If you could teach me to market myself the way you market yourself, I would love to work with you." I found out that Crisp was a lot more than just legal video, and I decided to give you all a chance. And then I was just so impressed from the moment I walked in to your office there, just from the way I was greeted, the gift I got. I met you and just saw that I thought you were the one that really makes all these things run right.

And just the people, the way it was run, I was so inspired to go and bring that back. I told you just right then, "Could you please come on the podcast? I think there's a lot we can learn from you." It took a little

while just between your schedule and mine, but I'm so glad to have you on here. How are you doing today?

Jessica Mogill:

Well, thank you. I am doing fantastic. And that was probably one of the best things you could have said in terms of the way you were greeted in every aspect because that is something we really, really drill into the team. Honestly, execution of any of the ideas is really everything. Yes, Michael's got the ideas, he's got the vision, but without that execution, it's just not going to happen.

Michael Cowen:

Tell me a little bit about what is your background? How did you get into working with lawyers?

Jessica Mogill:

Great question. If we go back to paper, I'm actually an industrial engineer, so very far from what I do now. I went from working in warehouses to medical practices and dentists, and then here I am at Crisp working with attorneys. That was not what Crisp always did. If anyone's ever heard from Michael, we did work with anything from nonprofits to I remember filming once a monk on New Year's Day, all of the things. And then we really niched down into working with attorneys just because we saw that there was a need to help them with the business side of things.

Michael Cowen:

I remember I was having a talk with my leadership team. We were meeting on something yesterday, and I think one thing I mentioned is always look outside of the legal industry for advice on how to run your business, because most law firms are run so poorly because we're not taught. When I was in law school at least, there's almost like an anti-business culture. It's like you're a professional, you're not a business. It's almost antithetical to run yourself like a business, which actually ends up really hurting your ability to practice at a high level and give the clients what they need.

It's always good. I think that background in even warehouses, medical distribution, how do you run a business, how do you work with people, I think is so important. What is your role with Crisp?

Jessica Mogill:

Yes. Funny you say that. I'm actually not the COO anymore. We have a COO now. She's been with us for several years. We really brought her on honestly when we started having kids. Our youngest is about to be two. Our oldest is four. She just turned four. Prior to that, Crisp was my first child. Now I really am head of coaching strategy. I oversee every aspect of our coaching program, whether it's for your team members, if it's for you, if it is the onsite trainings where we go to your office.

But making sure just overarching that way that we have a consistent message, that we're adding value. No one ever taught me how to run a business, but I've learned a lot of things the really hard way. Just making sure that, of course, we are providing that same value to our clients.

Michael Cowen:

You talk about culture. What do you mean by culture?

Jessica Mogill:

Culture in a very short summary is really just how shit gets done. It is essentially just, what are the standards, what is acceptable, what is not acceptable, what will you tolerate and what will you not tolerate, honestly.

Michael Cowen:

Why is it important to actually have some thought into what you want your culture to be?

Jessica Mogill:

I think this is one of the most important things anyone can do with a company is truly how you do anything is how you do everything. When you said even down to the way that you were greeted when you came into our training facility, that meant the world to me, because that looks like a tiny detail in the big grand scheme of things, but I truly believe that if you're not going to put everything into every detail, you're going to have paper cuts, and paper cuts will add up and they just really hurt a business.

Michael Cowen:

I will say that that little detail of how I was greeted did... Because I'm going to be real honest with you, I mean, you all are good, but you're not cheap. I'm going in there with a little bit of, okay, I'm going here with an open mind. I'm going to go all in, but I'm also like, did I just get ripped off? Am I paying more money than this is worth? And then when it starts off with a really like, wow, this is how I want my customers to feel when they come in here, it gets rid of some of that buyer's remorse and it really, really helps. Believe it or not that, while that might seem like a little thing, I met with my team like, okay, what can we do when someone joins our referral base, someone refers with a first case?

How do we make them feel like they're part of our family? How do we make our current people we have business relationships, our clients, new employees? How do we make them feel when they come on board? What experience can we provide to them? How do we differentiate ourselves? While the content itself that I got from y'all was good, just seeing how your business was run was even more inspirational than what was taught on the stage, if that makes any sense.

Jessica Mogill:

Absolutely. I think culture is really what drives the experience and it drives the emotions that you feel with that. Because I think if you came in under a very different greeting or no greeting at all or left to figure things out on your own, it already sets the tone. I think that when you have team members who are part of a culture and part of a mission and a vision, your clients do feel that. Your referral partners do feel that. They know that there's something special about this place.

Michael Cowen:

How do you decide what kind of culture you want?

Jessica Mogill:

I think this is different for literally every company, every place. It's interesting because when you look at different businesses, and like you said, you draw inspiration far beyond another law firm, and that's the same for us. I tried a new dentist the other day and I was like, wow, this was an amazing experience. I wanted to take things back and tell our team just different ways that things could be done. It's much like you said, like how you felt when you were here and how you took that back to your team, that's what I want our team to feel all the time.

It really comes down to when defining your culture, what do you value? What I value may be different than you. It may be different than our thousands of clients. Everyone's going to have a different set of things and a different way that they value things, but it comes down to how you as the visionary want to do things.

Michael Cowen:

Absolutely. I think it is really different. Because one thing I noticed in talking to people, and it's one issue I've had with some other coaching programs or consultants I've worked with, that they kind of have a cookie... I remember back in 2000, this is a long time ago, when I got my first case management system. I was working with a trainer on setting up the case management system, and she had all these things for pre-litigation cases. I said, "Well, that's not what I do. I'm a litigation firm."

She's like, "Well, you should. That's how you should run your business. We're going to teach you how to run your business differently than what you want to do." That doesn't work. I remember some people were like, "I'm not going to handle any cases myself anymore. I'm just going to be a CEO, focused totally on operations." That is probably for them the absolute best decision. That would be the stupidest thing I could ever do.

Jessica Mogill:

Right.

Michael Cowen:

It would be you're hiring somebody to give up everything that I'm good at to go do things that I don't like doing. What I realized is I need to hire someone to run my business and let me be a lawyer more. It's different for everyone.

Jessica Mogill:

I actually remember you saying that in a workshop, because you were like, "I'm looking at how much time I'm spending on things that are not energizing me." And that's something that we really want to instill in our clients as well is because we don't believe in a one size fits all. Yes, while we primarily work with personal injury, we have criminal defense, we have family planning and state planning, but our thing is really to coach people how to think to be able to equip them to make the decision. Because I wouldn't ever go to you and say, "You should stop trying cases. You should do this or that," but it's got you to think, is X, Y and Z really the best use of my time?

Michael Cowen:

What are some things we can do to figure out what is the kind of culture that would fit us? What is the kind of way of business we run that would fit us and what our dreams and our goals and our makeup?

Jessica Mogill:

Absolutely. Honestly, I say start with core values. I think a lot of people really misunderstand core values because they see that they are words on a wall. They are like, "Oh, okay, that's cute." But we have our core values and we live and breathe the core values. We hire people based upon them. We fire people based upon them. We do all of our employee reviews based upon them. It's really just ingrained.

I mean, we are recognizing people every single month in our monthly all hands meetings for these core values. Because you have to really remember, you cannot say things one time, you have to say things just

constantly and constantly. But now it's become just part of our culture. It is who we are. But those became the things, again, of what we will endorse versus what we're going to tolerate.

Michael Cowen:

What do you mean by endorse versus tolerate?

Jessica Mogill:

Yes. I always say I had a mentor tell me this once and they said, "You endorse what you tolerate." That hit me really hard because you've got people sometimes and they are A players and sometimes they're not, but you make exceptions for them. If you have a morning huddle that starts at 8:55 AM every day, like we do, and slowly it starts at 8:56, slowly it starts at 8:57, now that is becoming the endorsement because I'm saying it's okay to do that. If I'm like, "Oh, it's okay to show up this way," I'm telling the entire team that I'm endorsing that. It's really coming down to setting that standard again and then understanding like, hey, if I deviate from this standard, then the team thinks it's okay to.

Michael Cowen:

That honestly has been the hardest thing for me to do because I want to be a nice guy. I want to be flexible. Well, this is a nice person. They're trying their best, or they're having a bad day. But then realizing if I don't say anything, then I'm really saying it's okay to show up late, to do sloppy work. I hate to say to make mistakes, because we're all human, we're going to make mistakes, but it's what you do when you make a mistake is super important.

Jessica Mogill:

Exactly.

Michael Cowen:

How did you all figure out what your core values were?

Jessica Mogill:

It was a very iterative process. I've been with Crisp over eight years now. These are not the same core values that we had when we started, honestly. Over time they evolved basically as the company grew, because who we were at seven people was very different, honestly, from 20 to 50 to now 100, and things change and they evolve. Like I said, Crisp was my first child. I was here seven days a week. I was here until 9:00 PM every night. That was it. But we understood also long-term that was not sustainable, so things changed. One of our core values used to be all in all the time. That doesn't work for everyone. We actually changed that core value and now it's team first.

And that became, how can we help each other? Rather than me having to be all in all the time, not just me, the entire team, that evolved to saying team first and how do I help others succeed as well? We really have adjusted them as we've grown. We've had this same set though for several years now, but I think you have to understand as you go, what is changing about your company and are there things maybe that you don't like anymore, and then adjusting and pivoting as needed.

Michael Cowen:

How often do you think the leaders at a company should go back and revisit to see are these core values still true for us?

Jessica Mogill:

We, honestly, do every quarter. That might be a little bit much. I would say at least on an annual basis. But our leadership team sits down every quarter just to make sure. Because at the same time, and one thing I was also taught early on working with core values is that if you don't define what that core value means, the team member will define what that means. You have to make sure that you're very clear. For one of ours being consistency, I want to know that the person who shows up today is the person who shows up tomorrow. I understand what that means. You have to make sure that you make that clear to the team as well.

Michael Cowen:

It does guide hard decisions. Sometimes it's hard because you want to give in on something or you want to do something the easier way, but you have to look at what your core values are. I'll give you an example. One of our core values are that we constantly seek to learn and improve, and one of our strategies for success is we're going to develop an elite team. We have lawyer training every Friday at 3:00, which is a pain in the butt after a year or two of having to come up with a training every Friday. For non-lawyers, we have a lunch and learn every Friday.

The people on the lunch and learn committee were like, "Look, we've been doing this for years. Every Friday is too much. We're running out of ideas. Can we do it twice a month and not every week?" There was some support in my leadership team for like, look, give these people a break. And then I had to look, okay, well, what is that telling people what our core values are? If we say we want to constantly seek to learn and improve, but we're going to cut training in half because it's too much work to come up with ideas, I said, is everything at this firm going perfectly? No. Do we have room to improve? Yes.

Well, then we need to tell the people, if you need to sub out and you're burned out and get someone else to take your place on that team, that's fine, but we can't cut back on training if that's our core value. If we are going to cut back in training, then we have to come back and be honest saying that, well, we're not going to constantly seek to learn and improve. We're going to tolerate things not being as good as they can be. Who are we? We've got to tell the truth here. We can't say that this is our core value but not live it.

Jessica Mogill:

Exactly. That's a great example.

Michael Cowen:

It's tough.

Jessica Mogill:

It's so true. It is tough. I think sometimes, even like you were saying, you want to have empathy when it's the endorse what you tolerate and all of those things. I'm not saying to never have the empathy, but you've got to more times than not adhere to it.

Michael Cowen:

Which means I spend a lot of Thursday nights doing PowerPoints for my Friday trainings. But if I want to have the law firm that does things well so I don't have to get involved in every little detail, then I have to have really good people.

Jessica Mogill:

Exactly.

Michael Cowen:

That doesn't mean I do every training myself [inaudible 00:17:03] Just because I'm too busy, I mean, if it's Friday 11:00 PM and I've committed to train tomorrow at 3:00, then I got to stay up late and get that done, even though that's not something I want to do.

Jessica Mogill:

Yes, exactly. I will say with that, one thing I really stand by all the time is investing in the right people. There are times where you will outgrow someone, they might outgrow you. It's more often that the company is outgrowing them. But I really firmly stand by that just because the more you invest in your people, especially them being the right people, the more you're going to get out of them in return.

Michael Cowen:

What do you mean by investing in your people?

Jessica Mogill:

It could be a myriad of things. Much like you, even when you talked about lunch and learns and things like that with training, we have in our office CEEs. While I you guys have CLEs, we have Continuing Crisp Education, and that adheres actually to one of our core values, which is better than yesterday. It could be any training. I mean, a lot of our coaches, we invest in them if they see certain things that they want to do. Anything on that end of just really making sure that we're meeting their needs as well. Of course, it has to align with the business, but we also invest in ways to even just engage our team members.

Whether it is going to be a food truck or something like that, we actually have a team, because I learned this the hard way as well. When we were smaller and it was like, hey, I want to run a volunteer effort, or I want to plan a team outing, or do something, it was constantly me just pulling teeth. It was like, I'm trying to do something for you. And then it becomes like, oh, it's Jessica. She has another thing she wants to do. We actually developed a culture committee. I am not a part of it. Michael's not a part of it. We approve budgets.

We approve at the end of the day, but this team meets several times a month and they actually plan things out for the team. It is really their responsibility. If we want to do a potluck, or one of our cinematographers actually, he just released a personal type indie type film, we're going to do a screening at the office to support him as well, but they are in charge of this. That way it's not another thing coming from Michael and Jessica. Really just investing in the team really from a 360 view, not just at home, but personally as well.

Michael Cowen:

You talk about investing in the right people. It is so hard to find the right people. What do you do to get good employees?

Jessica Mogill:

Oh man, this one, how much time do we have?

Michael Cowen:

All the time you need if you can help me get good employees.

Jessica Mogill:

Yes. Finding the right people is the hardest thing, I will say. People are at the root of any problem. They are also at the root of any solution. We have a very, very discerning hiring process for that reason. I will say it's actually quite difficult to get a job at Crisp, and we do that intentionally, but we essentially built our process to where people will weed themselves out. I'm a very data-driven person, so I track every single thing here, but we developed this process that's kind of like a choose your own adventure type thing. They've got to make sure when you see the posting, it says to call a number, and then they call the number, and then they need to send an email.

We make it difficult because we want to make sure that the person who is going through this journey, that they want to work at Crisp. It's not that they want any job. But if they're going to invest that much time on the front end, then we know they are somewhat invested in this. Of course, we continue through pretty stringent vetting process, but people will always be the hardest part of it. But I think even when you go back a step to attracting great talent, you have to ask yourself or whoever is recruiting, why would someone talented want to work here?

Are you giving them a reason to want to come here? Because a lot of times we look to external industries for what does success look like, whether it be Disney, the Ritz, anything like that. You can't be comparing to like me against another law firm, for example, but you have to be a place that people want to work for.

Michael Cowen:

What are some of the other things you do to vet people during the hiring process?

Jessica Mogill:

Yes. We have three assessments that I live and breathe by. I have gotten probably as much negative feedback on this as I have positive feedback, but it works for us. I think people can be really great interviewers, and that's great. A lot of times they're going to tell you that they will work hard. Michael always says, he's like, "I've never interviewed someone who said they weren't going to work hard." Looking at it from there, but then also knowing I think a lot of times people don't know what they don't know about themselves. Even prior to this, we were talking about your Kolbe versus my Kolbe, and you were like, it's not in my blood to go and stay on a script or do anything like that.

I knew that about you already coming in just based upon your Kolbe. But we want people to be properly aligned, so we want to make sure that it's a good fit for them both ways, for Crisp and for them. We want to make sure that if this person is an ideas person, that they're in a role where they can think on their feet and be an ideas person. If this person is a spreadsheets and process person, the last thing I want to do is throw them into the unknown. It will just truly give that person anxiety. Making sure though on the front end that we're aligning there. We use the Kolbe assessment for that.

I've been certified in Kolbe for over 10 years, so it's in my brain constantly. I'm already trying to identify what my four-year old is because it's in my brain all the time. But then we also use the PRINT assessment as well, which is more the motivators and why does someone do what they do. I use that on the front end, but also once a person joins the team. I cannot tell you how many team members have told me like, "Wow, you guys actually use this. I thought this was just going to be some assessment that we took for hiring." But we want to make sure we're communicating with people the best way they need to be communicated with.

We want to make sure that when I'm delegating, I'm delegating to the person who's going to get energy out of that project rather than it drained them. Now, I will preface and say all caps, anytime I train someone on this, Kolbe and PRINT are not an excuse. Someone cannot come to me and say, "No, but my Kolbe is this and I can't do that." It's not an excuse, because we're all going to get thrown into things that we don't want to do. But as much as possible, trying to keep people in the lane where they're set up for success.

Michael Cowen:

That is so good. Like I said, even though I have a psychology degree, I was always skeptical of these assessments. I was like, well, kind of like a horoscope, you can write them where they really can fit anybody. They're general enough, but they really do seem to fit. The other one that we got from y'all is the Wonderlic, which is just basic intelligence tests. Because we found that some people, as nice as they are, as hard as they try, just like I could train every single day as hard as I can, eat the right foods, do everything, I am never going to be a world-class sprinter.

I don't have it in my DNA. It's just not going to happen. Some people, unfortunately, just don't have the cognitive ability to work at a law firm. It doesn't mean they're bad people. It doesn't mean they're dumb. It just means for the particular tasks that we want them to do, it's not the right fit for them.

Jessica Mogill:

Absolutely.

Michael Cowen:

You've saved us from some mistakes, I'll put it that way.

Jessica Mogill:

I could write a book. Michael jokes I'll write the next book on hiring and all the lessons that I've learned, but Wonderlic was actually one that we just went into because we were like, why is it that some people get what I'm talking about and some people just don't get it? It's literally speaking at different wavelengths, and one is processing one way and one is processing the other way. But that was another one again. People are going to be great interviewers and they're going to say all of the right things. I've had people come in and they're like, I've got the growth mindset, and they've got all these books that they've showed me that they're reading, and all of the things.

I'm like, wow, this is so great. I've made the mistake many years ago, and I would hire them anyway. I'm like, the Wonderlic said all over, don't hire them, it is not going to work out, but I made the mistake and it never worked out. We've got parameters essentially for every position that we hire for Kolbe, Wonderlic, and PRINT. But I personally will not even do a final interview with someone until they've taken all of those assessments.

Michael Cowen:

I think that's a good idea, because I tend to... I did a final three interviews and I fell in love with each of the three people. I mean, each interview lasted almost two hours and I liked every one of them, but the assessments were very clear as to which one was the best fit, who actually was not the best interviewer. The other two were more charismatic. Frankly, the people that go from job to job are the people that interview best because they have the most experienced interviewing.

Jessica Mogill:

That's so true. It is so true. Everyone, just save your time on the front end. I always tell people like, yes, it's an investment. I'm talking, I don't know, three, \$400 to do all of those assessments on the front end. I'm like, well, what is an hour of my time worth or two hours of my time worth? I would rather know that before I go in.

Michael Cowen:

How do you have the discipline as hard as it is to find people? You need somebody, but then they don't follow the directions. Instead of calling the number and sending an email, they just put apply here on the job site even though it says not to in the ad, or they have a bad Wonderlic or the Kolbe and PRINT say they're not going to be the right fit for this job. How do you overcome the temptation to just hire them to put a body in the seat rather than keep looking, even though it means you're going to have some hardship of dealing with that person you don't have on your team that you need?

Jessica Mogill:

Yes. It was not always this way. The way that I have the discipline is I have been burned far too many times. When you do talk about our process, and it's like click here, do this, all of the instructions, we are also very stringent with deadlines. I always tell someone, when you are interviewing a person, that is literally the best you will ever get from them. That is the highest their bar can go, because they're trying to impress you. I have had people literally miss a deadline five minutes. Five minutes. They submitted their offer letter too late, or they said, "I will get this test assignment to you by X time." I've made so many concessions.

Data historically, 100%, Those people have never worked out here ever. It's crazy. I'm like, it's five minutes. We have an amazing team member here for complete comparison for this. Most people when we're like, okay, there's a test assignment, you're going to turn around 24 hours, all of these things, and they might block at it or just not submit it or be late. We had a team member here. She was literally on the way to the beach with her then boyfriend, now husband, about to meet his family, pulls over on the side of the road, makes an entire PowerPoint presentation, and gets this to me.

She was like, "We're going to do this before I get to the beach. This is the end of discussion." It's really understanding that the right people will do it. And then taking it full circle, because you did say it, with hardship. If I leave this position open, it's going to be hardship on me, it's going to be hardship on the team. But it goes back to standards again. And then the right team members will actually rather endure hardship than to put a less than performer in place, because you're investing the time back into that person. You're training them. You're doing all of this. You're taking away your A player's time.

And then really truly asking yourself and it's like the gut punch question that I ask every team lead here when we're hiring them, is this the best person on this earth for this position, or is this the best available at this moment?

Michael Cowen:

Ouch. Yeah.

Jessica Mogill:

I know. It hurts.

Michael Cowen:

I think another thing is just remembering that... What helps me is yes, it is painful to have this position empty, but if we hire the wrong person, it's going to be painful. I mean, it's just when are you going to endure the pain?

Jessica Mogill:

Exactly.

Michael Cowen:

If you hire the wrong person, it's going to become increasingly painful. And then you're going to have to part ways with that person, which is painful. And then you're going to right back to where you started way trying to find someone again.

Jessica Mogill:

Yes, yes. I look at it as like pick your hard. Which hard do you want to endure right now? The hiring for a bandaid will always be the harder situation.

Michael Cowen:

You mean we can't just hire you guys and never have hard anymore? That doesn't happen?

Jessica Mogill:

Doesn't quite work that way.

Michael Cowen:

You said that you're really data-driven. What are some ways that law firms can use data to help build their culture and have more high performing firms?

Jessica Mogill:

Absolutely. This is really something that I think enforces standard and enforces culture, but really setting up KPIs, so key performance indicators, for anyone who doesn't know what that is. But it goes back to setting a standard, and it goes back to recognizing people when they go above and beyond. I was actually talking to a client last week and he was just like, everything changed. I mean, when they set up KPIs, it was like we're measuring how fast the cases are moving along. We're measuring how many Google Reviews were getting. All of the things that before maybe haphazardly happened and there was probably no ownership.

It was like, oh, great, we got a Google Review. No one's in charge of it. No one's accountable for. Really your high performers will love this. We have a daily dash that goes out every single morning. Every single person on the team is on there. You're either red or you're green. I will tell you, the A players do not being read. Because you've said it a couple times, you interview people and you really like them. It's one of those things too when I'm like, oh, I have empathy for this person, but KPIs and data will always make things less subjective. Now, your performance is objective and either you hit the target or you did not hit the target.

Michael Cowen:

How do you decide what your key performance indicators should be for any particular law firm?

Jessica Mogill:

This is a loaded question. They will be different, honestly, for every company. The way that I always look at it though is, what is the root issue that you're trying to solve when you set up a KPI? I will use a sales team as an example, because this is a mistake we also have made in the past. Initially, the KPI was how many calls did you make? And then miraculously at 4:59 PM, that number was hit every single day on how many calls were made. And then we were like, the calls made actually doesn't matter. So then we adjusted and we said, okay, how many appointments did this person schedule?

That was still an improvement because we're like, okay, great, they scheduled these appointments. But then we went back to the data and no one actually showed up to the appointments. I never look at it in a malicious place. While I am a very data-driven person and I'm very objective, I never assume someone is out to hurt me or the business. It's just human nature. And then we really got to the root issue and we were like, okay, we wanted them to make the calls. We wanted them to set appointments. We actually really want someone to show up to the appointment, and that's what we're going to measure.

It took us a few iterations to get there, but it's really trying to say, what is the root issue or the root behavior of this? If maybe your problem or someone's problem is, my cases are not moving fast enough, have you ever actually measured how fast they are? And then I don't say overnight. It's not going to change. You're not going to be like, oh, suddenly we cut my time in half. You start approaching that from steps along the way. But I think it's really going back again to what are the root issues that I'm trying to solve right now.

Voiceover:

Each year, the law firm of Cowen Rodriguez Peacock pays millions of dollars in co-counsel fees to attorneys nationwide on trucking and commercial vehicle cases. If you have an injury case involving death or catastrophic injuries and would like to partner with our firm, please contact us by calling 210-941-1301 to discuss the case in detail and see where we can add value in a partnership. And now, back to the show.

Michael Cowen:

What are some ways you see law firms actually measure these things?

Jessica Mogill:

Software is really important. I will say that. Case management is really important with all of these and just making sure that things are actually being tracked. I will go all the way back to a lot of times, most of the time things aren't even being tracked. Data is something I will preach forever and ever. Start it now wherever you are in the business. If you are 10 people, if you are 100 people and you haven't started, start it now. But I also go back down and say, you can literally use a spreadsheet. If that's all you've got right now, use a spreadsheet. I talked to a firm owner before and he was like, "Hey, when there were three of us, I literally did a tick mark on a piece of paper by the phone and that's how I measured it."

But I always just tell people, you've got to start somewhere. It's not going to be perfect. Overnight. Data is definitely something, data cleanliness, integrity, everything. And then once we set KPIs, we actually review them again on an annual basis, because what made sense two years ago probably doesn't make sense now.

Michael Cowen:

What I found is what you think is a good KPI isn't always one. One thing we've had to look at is what is the cost and bother of entering the data versus what is the value the data gives you? One thing we have, for example, is the first time we answer discovery, we want to have made sure that someone has talked to the client, not just to get the basic information, but find out who are the other people in the client's lives and know what their lives are like before, what their lives were afterwards, and make sure we designate some of those people's witnesses so we're not just doing the bare minimum, we're already preparing for trial from the very get-go.

Jessica Mogill:

Right

Michael Cowen:

One, that's a really hard thing to measure, because how do you tell without someone go going back and looking into what those were. And two, we had a high 90s percent compliance rate. To enter in a bunch of new data entry to something that we're already doing really well for that particular KPI, it was a... We're going to audit this randomly. If we find a problem, then we're not at all your cases. Whereas other KPIs like when was the last meaningful client contact that has to cover certain things, well, that's documented. There's a date when it's done. We can run a report.

The standard's 30, so you get a warning when it's been 20, so you know for sure if you haven't already set up the next call when you did the last call that you need to do it. And then if you're over 30, you know that at our Friday attorney meeting, the whole firm's going to know that you're over 30 and how many cases you're over 30 on. Not to be mean, but that's our standard and we're going to publicly talk about who's meeting the standard, who's not. And that competition gets people to...

Jessica Mogill:

Oh yes, yes. I will say for that, that's a really great point that not all data points are valuable. Data just for data's sake is not always the most important thing. It's really like what insight can you gain from that? What is the bigger picture of it? And then even what you mentioned with that, hey, you get a warning at 20 days, I lean on technology as much as possible. I'm like, how many things can I get alerted? I mean, much like you said that with ours, we use Slack, but I get notifications. If a client didn't have a call in the last month, it pings through. I'm like, all right, I'm on it. What's happening? Everything there. But data for me is all about trust but verify.

Michael Cowen:

Absolutely. Let's say we've got our hiring processes right. We've got our KPIs in place. We've hired our new person. How do we onboard that person to make them part of our team culture?

Jessica Mogill:

Yes. This I think is very, very overlooked and undervalued, because again, if you have a culture, what are you actually... If you're not living it from day one. Ours is literally from the time they signed the offer letter. Because I personally, so I interned at GE when I was in college, so in the engineering department. I'm like 20 years old showing up, move across the country, go to the place. I show up, they had no idea I was coming. I had my author letter. I had literally everything, and I have a cohort. They knew about all the other people, but somehow I was overlooked. I did not have a computer. I did not have anything. I'm 20 years old and had no idea how that would make an impact later in my life.

I was like, I literally don't want anyone to ever feel that. One of our nannies actually too, this kind of gives you reason into why I care so much about the initial experience, she graduated grad school, moved on, we're so happy for her, and she's about to start a new job. She's telling me how nervous she is. She's like, "I mean, where do I park? Do I need to bring my lunch? I don't know what people wear." All of these things that you just assume people know. But when you look at your audience and you really look, we're speaking to entrepreneurs and business owners. When is the last time you felt what it's like to start a new job?

I mean, it's been 15 years probably for me. I don't want anyone to ever come in with buyer's remorse or regret with that. Literally from the time they sign an offer letter, we have a handwritten card go out to our team members with Michael's book, several team members, usually their department has signed the card welcoming them. We send a whole email before even their first day about where to park, that we're going to take them to lunch. All of the things that are just like we want to get ahead of it before they get in here. And once they join, making sure they have a clear plan and what that looks like. For me, I take this all the way back to even before the hiring process.

If a team lead comes to me and request a position, they actually along with that position, must submit the 30, 60, 90 day plan for that team member, because I need to know that you've truly thought this position through, that we actually need this position, and that you are ready to take on another team member. They are given these at the very beginning. This are what to expect in 30 days. This is what to expect in 90 days. Really making sure that you're giving team members the guidelines, the parameters, the resources that they need to be able to set them up for success.

Because if someone does not want to work out, if it doesn't work out at the company, I want to know that I gave it everything I possibly could have.

Michael Cowen:

That's, again, so hard because you have to take time out of what you're doing because we're all busy or we wouldn't be hiring someone else to do that. But then if we don't take that time, then we never get the freedom that that other team member gives us by them doing their job right, and then you don't have to do that part of the business yourself.

Jessica Mogill:

Yes, it's a vicious cycle. But that was another place I made that mistake, even with KPIs or anything. Probably even five years ago, we had 12 people start at the same time. Right when they came in, I was like, oh my gosh, no one submitted anything, and now it's on me to figure out what these 12 people are doing. Do they have plans? Do they have anything? And then obviously not all of them worked out because we didn't set the right expectation from the beginning either. I just want to make sure that we've done everything we could to set them up for success.

Michael Cowen:

One thing you mentioned earlier is sometimes the business outgrows the hire. They were the right hire at the time. Let's say you're an eight employee law firm or a three employee law firm, who the right person is then. Then 20 years later, you're a 50 employee law firm with 10 lawyers. The right manager when you had three or four or five people actually, you might not even have a manager, but the right people to help you run your business then might not be the right people when you become a bigger organization. How do you figure that out and how do you deal with it?

Jessica Mogill:

Yes, it's not fun to deal with. I will say most of the people issues are never fun to deal with, but they're just inevitably part of running the business. When people join, of course, when you're smaller, I think at that time you are just filling positions. There was no hiring process when we were eight people. As Michael said, they told him they would work hard, he hired them and here we were. As you grow and evolve though, you really think about, is every person here making things better for you and are they making things better for the client? Because as you grow, I mean, we've raised our standards.

Obviously we didn't have a training center three years ago or anything like that. Does this person have a growth mindset? Do they understand where you're going and do they want to be a part of that? Or there have been people before, we've been doing our summit five years now basically, and there would be people before who were like, "Oh God, there's just going to be so much work." I'm like, is that really how you view this? This is the most exciting time, and I've got people literally competing trying to get a certain station that they want to work at this event. But is that your mindset going into that?

Really also going down to the person that you're looking at or evaluating or anything. It comes down to, is this person bought in, or are they just causing friction? Everything that you do, there's a negative side to it, or there's a reason it can't work. They're the people who are giving a problem to every solution. The way that we really look at it is we want volunteers, we don't want hostages. You're on this journey with us because you want to truly be here and be part of this, not because we're dragging you, because the dead weight, it slows us all down.

Michael Cowen:

What do you do then when that person looks like, you start to suspect this person, we've outgrown this person?

Jessica Mogill:

A lot of times it really is first just a truthful conversation. And that is one thing that I say with leaders anywhere and probably one of the most difficult traits to get, but the most important is the ability to have a candid conversation. Just calling it and really saying, is this truly where you want to be? Are you happy? Work should never be the place or the thing that makes someone happy, but are you fulfilled here? Is this what you want to be doing? And just having that honest conversation. Because I will say another thing with that, some people just don't know how to quit.

They don't actually know to leave the job. It's all about for us like, hey, let's cut the cancer and cut it fast, because that person will also infect everyone else. Your A players do not want to be around a low performer, and then they're going back and I'm tolerating this and I'm setting that standard for everyone. So really doing that. But our motto is to hire slow and fire fast. I often say, if you think you need to fire this person, you probably have already needed to fire them.

Michael Cowen:

Another term I learned at Crisp was radical candor.

Jessica Mogill:

Oh yes.

Michael Cowen:

What do you mean by that?

Jessica Mogill:

Radical candor, for us, is a lot of... I mean, in summary, it's having the difficult conversation and saying what needs to be said. It's not because you want to hurt somebody. I think it's also coming at it with a level of empathy as well. I'm having this conversation truly because I do want to help you and I want what's best for you and what's best for the business. But I firmly also believe in rectifying things quickly. If someone makes a mistake and you wait three months until their next review to tell them, they've already forgot about it and it's not going to have that same impact.

If you, again, hey, I'm going to allow this person to come in five minutes late, 10 minutes late and then I don't tell them, of course, they assume it's okay. It's having those difficult conversations in a timely manner and just making sure that you're crystal clear. A lot of conversations, Michael's really great at this, he will actually say, "Repeat back to me what you just heard," because what you said and what they heard sometimes are different things as well.

Michael Cowen:

I've learned that. We told our marketing director, we're giving away a door prize, a prize for the winner at a seminar we were putting on. We had an ethics jeopardy. I read a book called Giftology. It says like, well, don't give some people what they already have as a gift. A lot of seminars still give an iWatch, an iPhone. Well, most people that are lawyers, if they want an iWatch, they have an iWatch.

Jessica Mogill:

Exactly.

Michael Cowen:

I said that, and the interpretation that was taken was don't buy any Apple products, so they bought a Dell laptop to give away. It was well-intentioned. It was really on me with the new employee that I needed to be more clear and I didn't make sure they understood me, but I was busy and I just gave it. I'm like, okay, well, that's what we bought. It's free. No one's going to not... I mean, it was a minor, minor issue as far as no one complained. No one said, "Well, you had great content, you look like an incredible speaker, but the laptop I got was wasn't really the gift I wanted."

We didn't lose anything over it. But at the same time, it taught me the lesson of, well, I need to communicate more clearly. I need to make sure that I'm understood and not just assume people get me.

Jessica Mogill:

Yes, yes. I think that's another big thing on just communication as a whole and really making sure that whenever you are speaking to someone of giving them the context. Because that is something I think as leaders, a lot of times you're just moving and you just want to get the point across and keep going. I always describe like any new person, they're jumping on a moving train. They do not have all the institutional knowledge to what led you to that moment and that decision.

I know your PRINT has a three PRINT in there, which is to succeed and achieve, and those prints tend to move pretty quickly along with your quick start probably. It's like, I just want to get it done, so I'm going to spit it out and just keep moving. But then this person, again, it could be just so misinterpreted. I think that's one of the most important things of coaching a leadership team on as well is just making sure you're communicating with context.

Michael Cowen:

Absolutely. How do you develop the courage to have radical candor, to have these conversations early before things spiral out of control or they get forgotten?

Jessica Mogill:

Yes. That is one that also did not come easily and I made a lot of mistakes and definitely I could have handled a lot of situations better, because it's not in most people's nature to just go head on with the conversation. Most people actually avoid confrontation. For us, we've got weekly leadership meetings, and so it definitely comes up as we evaluate whether it's new team members, anything like that. But just understanding that when you're having this conversation, it's coming from a good place. I'm not doing this to be mean. I am not doing this to hurt the person. I'm actually doing this to help the person.

And really reframing my mind that way has helped me so much. But this is another example even of how we tie PRINT and the PRINT assessment all the way back in is how do people like to communicate and be communicated with. There are some PRINTS, for example, I joke, I'm like, you can come in gangbuster style, and they are just like, here's the point, I'm straight to it. This is this and great. Those people are just fine that way, receiving it, giving information that way, but it doesn't work that way for everyone.

We do a lot of coaching with our leaders as well just to understand, okay, how could we have handled this situation differently, or do we need to role play with the leadership team first to make sure that you're equipped to have this conversation. But another thing reminding yourself, again, because people really want to avoid this, truly asking yourself, what is the literal worst thing that could happen out of this conversation? It will not be earth-shattering. It will not.

Michael Cowen:

The more you do it, the easier shit gets. My fear is I would come across as a jerk or overbearing. I've worked with people that were not the kindest. They were very candid, but it wasn't necessarily done in a nice way. I didn't want to be that person. Two things. One, I had to tell myself it's got to come from love. I think of my kids. If my kids are doing something bad, I'm going to tell them because I love them and I want them to be a better people. I'm not going to just go on and let them... You have a kid who's developing. You see them making fun of another kid. Hey, that's not cool. Don't do that. You're hurting his feelings.

You think you're just being funny, but that kid's not taking it that way. If you don't tell your child that, then they're going to keep doing it. If you love your kid, you don't want your kid to become a jerk, you say that. I've had to say, well, if I care about my coworkers, my employees, I need to give them the same love of being honest with them. The other reminder I give myself, if I am venting to a partner or a spouse or somebody else about someone at work, that I need to have that same conversation with that person. If it's bothering me enough to talk to someone else about, then I need to talk to that person.

Jessica Mogill:

Oh, I love that. That's a great rule of thumb. Michael and I have our rule of thumb is we can complain about it once, and then you either go handle it or you just don't ever bring it up again.

Michael Cowen:

Wow. That would not work in my marriage. If I told my wife that, I'd be packing my bags. It really is so much easier. I would build it up in my head like, this conversation's going to be so horrible. The person usually took it from a good place, say, "Well, I'm sorry, either I didn't realize that, or yes, I know. I've been worried you're going to fire me over this. I'm glad we can talk about it."

Jessica Mogill:

Yeah, exactly. Again, I always tie it back to the behavior is not malicious and I remind myself of that. Unless you tell them, they may not even realize that something is wrong until you do tell them. A lot of times they actually appreciate it because they do want to be better.

Michael Cowen:

It's one of the most joyous thing when you see the person that was struggling and the C player turn it around and become that A player, and then you see their energy is building and their confidence and their self-esteem. It's contagious. The bad performer being tolerated as like a cancer and that spreads, but the people that are developing, that's contagious as well. It's just incredible. There are some people at my firm that are really up and running and it just inspires me. I want to come to work now just to see them move up.

Jessica Mogill:

Yes. There's nothing that's better than seeing them succeed. People will ask me all the time, I still meet with every single new hire about 30 days in because I don't interview all of them anymore, but I want to open that door and that relationship. At the end of the day, Crisp is my first child and I care about this so much, and so if there's a problem or a grievance or anything like that. But just really letting them know from the beginning, I want to see you succeed. I want people to understand, again, like you said, it's infectious. I want to be around these people and I want to set all of this up.

One thing I want to say I guess on the inverse of that would be very clear, because I know a lot of my things with hiring culture team, everything, it sounds like it might be malicious against a team member. We do. We have really, really high standards. But what I'm really trying to say is I want what's best for the company. In your case, you want to do what's best for the company, but also for the team member. If they have outgrown it or if we have outgrown them, we want to help them find their next position. Just because they don't work out here does not mean they're a bad person.

It doesn't mean that they're not a great team member somewhere else, but they can be a great fit there and we want to help support that. I just think as leaders, it's our job to make sure that we are finding the right people and we're finding the best place to work for them and just set them up for success.

Michael Cowen:

How about when they outgrow you? I mean, one issue I have running a law firm is we're not allowed to give ownership or share even profits in Texas with non-lawyers. You have some really great high performing non-lawyers. You hire them early in their career. They're developing and they just get to point with their talent and their capacity, they could be doing better things than what we could offer at this law firm. What do you do with that issue?

Jessica Mogill:

That's a great question. I think with that is really making sure and be like, have you explored every option? Because there are a lot of team members here that what they started doing seven years ago is not their role now, what they started doing four years ago is not their role now, and understanding where I hired them and where they added value may not be where they can add them most value. Are you giving them growth opportunities as well? Because again, it may not always be in that same lane. There are people, like I said, who've been here for seven years, but we have positions that exist now that did not exist then.

Like you said, whether it's speaking engagements or events and marketing and things like that, I'm sure it wasn't always that way from day one. Making sure that you're also understanding where they want to go and understanding, hey, I want to help you get there. More often than not, you find a way to make it work, and it might just be in a different capacity. Now, we are in the creative space. If there is a cinematographer and their goal is to be on a Marvel movie set, I cannot give you that. I can't, but I want to set you up for success to be able to do that.

But also I think that's why it's so important to do very routine reviews with your team members to understand where do they want to go, what are the next things they want to accomplish, and make sure that it stays an open conversation.

Michael Cowen:

How often do you do those reviews?

Jessica Mogill:

We do them twice a year now. It was not always that way. We actually used to do monthly, then quarterly, but then, of course, as we got bigger and bigger. I'm personally not doing all the reviews anymore, because I don't know the day-to-day of how a team member performs. It's really, again, teaching your leadership team how to be discerning. If we're rating on a one through five, then what does a one mean and what does a five mean? But I think depending on the size of the firm, it's really finding the cadence that works for you. We, again, are fast to give feedback. It does not have to be in a formal review.

Michael Cowen:

Great. You said you're head of coaching strategy. Like I said, a lot of people know Crisp as a video marketing company. What kind of coaching do y'all offer?

Jessica Mogill:

Yes. Well, we've got it all. We really started initially with just coaching the firm owners. A lot of this, again I touched on before, is really getting more to root and fundamental of how do we think and how do we empower people to make those same decisions. We are not a cookie cutter approach and we're not going to say, "Here's a manual and this is how you do this," because it doesn't work for everyone. We're not consultants who are going to every step of the way hold your hand. But I will say our most successful clients, they understand that. We're going to meet in the middle, we're going to help you make that decision, but you've also got to do the work.

That's where we really started. I clearly remember this workshop. It was with Chris Beg's clients. It was December 2019, and they said, "Can you please just do something to where we can send our team members to you and you teach them all this so we don't have to?" Out of that was born the Crisp Experience. We wanted to have that same experience for team members, because we also understood that sometimes firm owners go back and then they're like, "Here's all these ideas and let's go do this and this and this."

And then they're like, "Oh, I don't like Crisp. They give us more work." We wanted to be able to provide that for them as well. Really empowering team members to elevate and be better support for their firm owners as well.

Michael Cowen:

I will tell you that the combination of a Crisp Experience, me being able to send my non-lawyer leaders to y'all and me sharing my 10-year vision and how they fit in has been transformational. The resistance is fading. The buy-in, the new idea is not all having to come from me. It's so awesome when I have someone come in and she has great ideas or he has great ideas and I never even thought of them myself because they care and they're passionate. They not only see the vision, but they also see their place in it. On one hand, it's energizing for me, it makes me happy, but also it really takes the stress off of me because I don't have to think of everything. I'm not responsible for being the sole driver of the firm.

Jessica Mogill:

Yes, exactly. I will even take that 360 back to earlier when you're like, how do you invest in your team members, that's a prime example of investing in your team members, and then they make your life easier at the end of the day as well.

Michael Cowen:

If somebody wants to get ahold of you or get ahold of Crisp, what's the best way to find you out there?

Jessica Mogill:

Crisp.co, not .com, Crisp.co. You will find any and all information about our coaching programs, video, everything that we offer.

Michael Cowen:

Jessica, thank you so much for coming on the program. Everybody, thank you for listening. If you do trucking or company vehicle cases, I would encourage you to consider attending my Big Rig Boot Camp. It's going to be a great show, a great presentation. I don't have the budget that y'all had for the Crisp Summit, but I have been inspired. We're really upping our AV lights, our overall experience for the people from the gift you will get when you come in to how fun it's going to be, to just the overall visual and auditory experience. It's going to be a great time.

If you want to check that out, it's going to be June 16th. It's bigrigbootcamp.com. Again, bigrigbootcamp.com. Hope you can come to San Antonio, Texas. I'll be there and look forward to meet y'all there. Jessica, thank you so much for joining us today.

Jessica Mogill:

Yes, thank you so much for having me. It was a pleasure.

Michael Cowen:

Thank you for joining us on Trial Lawyer Nation. I hope you enjoyed our show. If you'd like to receive updates, insider information, and more from Trial Lawyer Nation, sign up for our remaining list at TrialLawyerNation.com. You could also visit our episodes page on the website for show notes and direct links to any resources in this or any past episode. To help more attorneys find our podcast, please like, share, and subscribe to our podcast on any of our social media outlets.

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Voiceover:

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